IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.1144-M of 2007
Date of Decision:- 20.02.2007

Jeet Singh @ Jeeta ....Petitioner(s)

through
Mrs.B.P.K.Brar, Advocate

vs.

State of Punjab & anr. ....Respondent(s)

through
Mr.B.S.Baath, AAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is a convict under Section 15 of the N.D.P.S. Act and is undergoing sentence of 10 years' rigorous imprisonment, has been denied parole on the ground that there is an apprehension of breach of peace and he can also become proclaimed offender.

In order to dislodge the above-stated reason, it is pointed out by learned counsel for the petitioner that no other such like case has ever been registered or is pending against the petitioner. It is argued that the petitioner has a family in the village consisting of small children and he has got landed properties too. Reliance has also been placed upon the recommendation of the Gram Panchayat in support of the petitioner's release on parole.

After hearing learned counsel for the parties, it appears that the petitioner's case requires reconsideration by the Authorities.

If the petitioner is not a habitual offender and his conduct and behaviour while in jail is also good, there appears to be no reason not to

release him on parole. That apart, various remedial measures can be taken by the Authorities to ensure that concession of parole is not misused. Besides furnishing heavy personal bonds, the petitioner can be asked to produce two sureties in the like amount, who should be office bearers of the Gram Panchayat and/or other respectables of the village. The petitioner can also be asked to report to the Police Station concerned intermittently during the period of parole.

Consequently and for the reasons aforesaid, this petition is allowed to the extent that the impugned order dated 5.9.2006 (Annexure P2/T) is quashed and a direction is issued to the Additional Director General of Police (Jails), Punjab, to reconsider the petitioner's case to release him on parole. Necessary decision in this regard shall be taken within a period of two months from the date of receipt of certified copy of this order.

February 20, 2007 **(SURYA KANT)**
poonam **JUDGE**